

CPC MINUTES

**February 10, 2015
Meeting**

ZONING DOCKET 1/15 – Request by FARREL A. WEIL, DONNA W. LEVIN, AND LARRIE A. WEIL for a Zoning Change from a VCR-1 Vieux Carré Residential District to a VCC-1 Vieux Carré Commercial District, on Square 91, Lots 23, 24, and D or 22, in the Second Municipal District, bounded by Conti, Burgundy, Dauphine, and Saint Louis Streets. The municipal addresses are 917-923 CONTI STREET. (PD 1B)

Applicant: Farrel A Weil, Donna W. Levin and Larrie A. Weil

Request: This is a request for a zoning change from a VCR-1 Vieux Carre Residential District to a VCC-1 Vieux Carre Commercial District.

Location: The property is located on square 91, Lots 23, 24 and D or 22, in the Second Municipal District, bounded by Conti, Burgundy, Dauphine and Saint Louis Streets. The municipal addresses are 917-923 Conti Street. (PD 1B)

Description: The site contains an existing, two-story commercial building that is built to the sidewalk and has frontage on Conti St. The combined lots have an area of eleven thousand, nine hundred sixty-eight square feet (11,968 sq. ft.). The existing structure has a width of fifty-eight feet (58') along Conti St., a width of sixty-four feet (64') along the rear property line, a depth of one hundred fifteen feet (115'), approximately eleven thousand nine, hundred four square feet (11,904 sq. ft.) on the first floor, approximately eleven thousand five hundred two square feet (11,502 sq. ft.) on the second floor for a total floor area of approximately twenty-three thousand, four hundred six (23,406 sq. ft.). The sidewalk adjacent to the site is in good condition, no off-street parking is provided and no trees currently exist in the public right-of-way.

The applicant proposes to convert the structure to a standard restaurant. Sanborn maps, Orleans Parish Assessor Data, the applicant's photos of the site and the staff's site visit indicate that the site has a history of commercial use as a wax museum and as a warehouse. The applicant is not proposing any additions to the floor area or changes to the exterior of the site.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

Staff summarized the request, stating the staff's recommendation of DENIAL and that no additional information had been received from the applicant. One proponent and five opponents were present. Their names are reflected on the attached sign-in sheet. Commissioner Wedberg made a motion to deny this request. This motion was seconded by Commissioner Mitchell and was adopted.

There was discussion as to whether the applicant could legally open a restaurant at the site without receiving a zoning change. The staff responded that the applicant had submitted an application with the Department of Safety and Permits in order to operate as a legally non-conforming site and that this request was denied. The applicant stated that this decision is in the process of being appealed by the Board of Zoning Adjustments. An

approval by the Board of Zoning Adjustments would allow the site to operate as a standard restaurant and would negate the need for a zoning change on the site.

Some of the commissioners stated that since a restaurant would be the most intensive permitted use of the site under the zoning change request, that the request should be approved. Some commissioners felt that a residential use would be the most appropriate use of the site, and that a zoning change would create a spot zone, which would be out of character with the surrounding area.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 001/15 IS HEREBY RECOMMENDED FOR DENIAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Brown, Bryan, Hughes, Mitchell, Wedberg

NAYS: Duplessis

ABSENT: Marshall, Mora

RECUSE: Steeg

REASONS FOR RECOMMENDATION

1. The request is inconsistent with two of the specific criteria for an approval under the Historic Non-Conforming Use Policy.
2. There is a greater neighborhood need for residential uses, especially on this block which already has a strong, residential presence. The Vieux Carre Commission is generally supportive of policies that encourage residential uses in the Vieux Carre especially in areas already within residential zoning districts.

ZONING DOCKET 8/15 – Request by BENA CAPITOL LLC for a Conditional Use to permit a cocktail lounge in an HMC-2 Historic Marigny/Tremé Commercial District and an AC Arts & Cultural Overlay District, on Square 5, Lot 22, in the Third Municipal District, bounded by Esplanade Avenue, Chartres, Frenchmen and Decatur Streets. The municipal addresses are 514-516 FRENCHMEN STREET. (PD 7)

Applicant: Bena Capital, LLC

Request: This is a request for a conditional use to permit a cocktail lounge in an HMC-2 Historic Marigny/Tremé Commercial District and an AC Arts & Cultural Overlay District.

Location: The petitioned property is located on Square 5, Lot 22, in the Third Municipal District, bounded by Esplanade Avenue, Chartres, Frenchmen and Decatur Streets. The municipal addresses are 514-516 Frenchmen Street. The property is within the Marigny Local Historic District. (PD 7)

Description: The subject site is a rectangular lot fronting on Frenchmen Street. The property measures 46 feet 10 inches in width along Frenchmen Street, 127 feet 11 inches in depth on the Chartres Street side, and 128 feet in depth on the Esplanade Avenue side for a total area of approximately 5,995 square feet. The site is occupied by a 7,017 square foot two-story structure that occupies nearly the entirety of the site. The structure was previously used as a printing facility and was vacant for a number of years. The structure was recently renovated and has a restaurant and a theater on the ground floor. The City Planning Commission staff has not been able to confirm the use of the second floor.¹

The applicant proposes to convert the existing restaurant, Bamboula's, into a cocktail lounge. Two years ago, there was a request to create a cocktail lounge with live entertainment at this location.² This request was made prior to the building's renovation, and the applicant was requesting that the entire building be a cocktail lounge with live entertainment. This request was recommended for denial by the City Planning Commission and was subsequently withdrawn prior to any action by the City Council. The applicant then decided to renovate the building as two separate permitted uses, a restaurant, Bamboula's, at 516 Frenchmen Street and a theater without alcoholic beverage sales, Festival Hall Theatre or the Frenchmen Theatre,³ at 514 Frenchmen Street. The applicant now proposes to convert the existing restaurant into a cocktail lounge. According to the submitted floor plans, the cocktail lounge will include a bar, seating area, restrooms, a kitchen, and a walk-in cooler. There is no stage shown on the site plan, but they will presumably provide live entertainment as they currently do. As the building occupies nearly the entire site, no off-street parking or loading spaces are proposed.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

The City Planner summarized the request and noted the staff's recommendation of denial. The applicant's representative and four opponents provided public comments on this request. The applicant's representative requested that the docket be deferred until the next meeting. The speakers at the public hearing are listed on the attached public hearing speaker sheet.

¹ The staff has not been able to find any approved plans for the second floor in LAMA, the City's permit database. A nola.com article indicates the second floor is being used as a musician greenroom and a party room.

http://www.nola.com/music/index.ssf/2014/10/frenchmen_theatre_looks_ahead.html

² Zoning Docket 002/13

³ This theater received a variance for 27 off-street parking spaces in BZA Docket 161-13.

Commissioner Steeg made a motion to accept the staff's recommendation and deny the request, which was seconded by Commission Bryan. There was discussion about whether the request should be deferred to give the recently retained attorney for the applicant time to review the request.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 008/15 IS HEREBY RECOMMENDED FOR DENIAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

YEAS: Brown, Bryan, Mitchell, Steeg

NAYS: Duplessis, Hughes, Wedberg

ABSENT: Marshall, Mora

The motion resulted in a **NO LEGAL MAJORITY** vote.

Commissioner Hughes made a motion to defer action on the request until the February 24, 2015 meeting, which was seconded by Commissioner Duplessis.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 008/15 IS HEREBY RECOMMENDED FOR DEFERRAL UNTIL THE FEBRUARY 24, 2015 CITY PLANNING COMMISSION MEETING.

YEAS: Duplessis, Hughes, Mitchell, Wedberg

NAYS: Brown, Bryan, Steeg

ABSENT: Marshall, Mora

The motion resulted in a **NO LEGAL MAJORITY** vote.

No further motions were made; therefore, the request goes to City Council without a recommendation from the City Planning Commission.

REASONS FOR RECOMMENDATION

1. Some Commissioners wanted to defer the request to give the newly retained attorney for the applicant time to review the case.
2. Other Commissioners stated that the deferral would not result in any new information and thought that the request should be denied.

ZONING DOCKET 16/15 – Request by DESIRE STREET MINISTRIES for a Conditional Use to permit a child care facility with an associated clinic and community space in an LI Light Industrial District, on Square 29, Lots Y and W-5A, in the Third Municipal District, bounded by Higgins Boulevard, Desire Parkway, Chickasaw and Louisa Streets. The municipal addresses are is 3600-3602 DESIRE PARKWAY. (PD 7)

Applicant: DESIRE STREET MINISTRIES

Request: This is a request for a Conditional Use to permit a child care facility with an associated clinic and community space in an LI Light Industrial District.

Location: The property is located on Square 29, on Lots Y and W-5A, in the Third Municipal District, bounded by Desire Parkway, Chickasaw and Louisa Streets and Higgins Boulevard. The municipal addresses are 3600-02 Desire Parkway. (PD 7)

Description: The subject site is comprised of two trapezoidal lots, Lots Y and W-5A, which frame the southeast corner of Desire Parkway and Higgins Boulevard in the Upper Ninth Ward neighborhood. Together the lots contain approximately four hundred ten (410') feet of frontage along Desire Parkway and two hundred eighteen (218') feet of frontage along Higgins Boulevard. The total area of the site is approximately one hundred fourteen thousand three hundred thirty-three (114,333 sq. ft.) square feet (2.62 acres). The site is currently vacant, but was previously developed with the Desire Street Academy School, which was demolished in 2012.⁴ The applicant proposes new construction of a six thousand (6,000 sq. ft.) square foot child care facility on the site that will include a six thousand five hundred seventy (6,570 sq. ft.) outdoor play area for a total area of twelve thousand five hundred seventy (12,570 sq. ft.) square feet. In addition to the child care center, the applicant is proposing construction of a new health care clinic and a new community center while utilizing an existing office building to service the development. The proposed child care center is the subject of this request as the other uses are permitted in the LI Light Industrial District.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

The City Planner summarized the request, stating the staff's recommendation of approval. No proponents or opponents signed in to speak of the request.

Commissioner Wedberg made a motion for approval as recommended by the staff, which was seconded by Commissioner Duplessis and adopted.

⁴ Demolition Permit No. 11COM-01565

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 016/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO TEN (10) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Provisos

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the conditional use approval.
2. The applicant shall resubdivide all lots into a single lot of record which shall correspond to the configuration of the built-out parcels. The resubdivision shall be finalized prior to the issuance of a Certificate of Use and Occupancy by the Department of Safety and Permits.
3. The applicant shall revise the site plan to provide accurate measurements for the outdoor play area. The proposed number of children permitted in the facility should correspond to the open space requirement as per **Article 11, Section 11.15.1**.
4. The applicant shall submit a detailed landscape plan, stamped and signed by a Louisiana-licensed landscape architect, indicating the type, size and placement of street trees on the site and along the Desire Parkway and Higgins Boulevard rights-of-way, subject to review and approval of the Department of Parks and Parkways and the staff of the City Planning Commission.
5. The applicant shall submit a revised site plan which indicates five (5) off-street parking spaces and the location of the drop-off zone designated for the child care center.
6. Play equipment and play area surfaces shall be provided in accordance with **Article 11, Section 11.15** of the Comprehensive Zoning Ordinance.
7. Any proposed signage shall comply with standards of **Article 7, Section 7.3.6** of the Comprehensive Zoning Ordinance.
8. The trash storage areas and dumpsters shall be screened from view with an opaque fence with latching gates a minimum six (6) feet in height. The dumpster must remain in the designated trash area except at pick-up times.

9. The applicant shall submit a litter abatement program letter to the Department of Sanitation for approval, which is inclusive of the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks. The name and phone number of the owner or operator of the development shall be included in this letter to be kept on file in case of any violation. In no case shall trash be stored so that it is visible from a public right-of-way.
10. The applicant shall restore all sidewalks and curbs, where necessary, to the standards of the Department of Public Works. Any proposed curb cuts shall require the approval of the Department of Public Works.

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Marshall, Mora

REASONS FOR RECOMMENDATION

1. The child care center will provided needed services to surrounding uses in the area.
2. The recommended conditions will address potential adverse impacts and ensure compliance with the standards of the *Comprehensive Zoning Ordinance*.

ZONING DOCKET 17/15 – Request by CONGREGATION OF OUR LADY OF THE SACRED HEART ROMAN CATHOLIC CHURCH AND GERALDINE D. VAUCRESSON for a Zoning Change from an RM-4 Multiple-Family Residential District to a B-2 Neighborhood Business District for the entirety of Square 765 and an MUPC Mixed-Use Planned Community District overlay for the entirety of Square 765 and Square 893, Lot 1, in the Third Municipal District, bounded by Saint Bernard Avenue, Onzaga, North Prieur, Lapeyrouse and North Derbigny Streets. The municipal addresses are 1720 SAINT BERNARD AVENUE AND 1800-1812 ONZAGA STREET. (PD 4)

Applicant: Congregation of Our Lady of the Sacred Heart Roman Catholic Church and Geraldine D. Vaucresson

Request: This is a request for a zoning change from an RM-4 Multiple-Family Residential District to a B-2 Neighborhood Business District and an MUPC Mixed-Use Planned Community District overlay.

Location: The zoning change request applies to the entirety of Square 765. The request for an MUPC Mixed-Use Planned Community District overlay applies to the entirety of Square 765 and Square 893, Lot 1. All of the affected property is in the Third Municipal District, bounded by Saint Bernard Avenue and Onzaga, North Prieur,

Lapeyrouse, and North Derbigny Streets. The municipal addresses are 1720 Saint Bernard Avenue and 1800-1812 Onzaga Street. The site is located in the Tremé Local Historic District. (PD 4)

Description: This application considers a redevelopment proposal for a development site including two parcels on adjacent squares. The first parcel (identified as Parcel 1 in this report) is the Our Lady of the Sacred Heart Roman Catholic Church site located at 1720 Saint Bernard Avenue. The Our Lady of the Sacred Heart Roman Catholic Church parcel includes the entirety of Square 765, which is bounded by Saint Bernard Avenue and North Roman, North Derbigny, and Lapeyrouse Streets. The square measures 329 feet, 3 inches along Saint Bernard Avenue, 261 feet, 3 inches along North Roman Street, 297 feet along Lapeyrouse Street, and 121 feet, 10 inches along North Derbigny Street. It is 56,886.3 square feet (1.3 acres) in area. It is developed with the two-story brick church structure, which faces Saint Bernard Avenue at its intersection with North Derbigny Street, while the remainder of the site is occupied by the church's parking lot and open green space.

The second parcel (identified as Parcel 2 in this report) is Lot 1 on the adjacent Square 893, which located at the intersection of Saint Bernard Avenue and North Roman Street across North Roman Street from the church parcel. Lot 1 has frontage on those two streets as well as Onzaga Street, measuring 69 feet, 6 inches along Saint Bernard Avenue, 46 feet along North Roman Street, and 25 feet, 6 inches along Onzaga Street. It has an area of 3,564.4 square feet. It is developed with two commercial structures which together occupy virtually the entire lot. The first structure, facing at the intersection of Saint Bernard Avenue and North Roman Street, is a historic two-story wooden commercial structure which was historically occupied by Vaucreson's Sausage Company, a sausage manufacturer, and which is now vacant. The second structure, located to the rear of the Vaucreson's Sausage Company structure, is a single-story masonry commercial structure which fronts on Onzaga Street and is now used as a food retailer called Danny's Seafood.

The applicant proposes the redevelopment of the two parcels with a mixed-use development, which would involve the adaptive reuse of existing structures and the construction of new buildings. On the church parcel, a new four-story, 55,929 square foot building (identified as Building 1 on the submitted plans) is to be constructed along Saint Bernard Avenue and would include 8,000 square feet of retail space and 3,900 square feet of leasing/amenity space on its first floor and a total of 48 residential units on its second through fourth floors. The church (identified as Building 2) is to be adapted for use as a multiple-family residence containing 13 units. The portion of the church parcel behind the two buildings and near the intersection of Lapeyrouse and North Roman Streets would be occupied by an accessory parking lot providing 40 off-street parking spaces.

On the Vaucresson's Sausage Company parcel, the two-story Vaucresson's structure is to be retained and renovated for future commercial use, although a single-story rear portion is to be demolished. After renovation, it will have 2,800 square feet of floor area. The applicant's representative indicates that the structure's tenant is to be a food retailer. The neighboring Danny's Seafood building is to be demolished and developed with a new two-story, 3,000 square foot commercial structure. The renovated Vaucresson's structure and the new commercial structure are together identified as Building 3.

This mixed-use development proposal is not permitted under the site's current zoning. Currently, the church parcel is zoned RM-4 Multiple-Family Residential District, which allows only residential and institutional uses and does not allow the commercial uses intended by the applicant. The Vaucresson's parcel is zoned C-1 General Commercial District, which allows residential and commercial uses of varying size. To allow the mixed-use development proposal, the applicant requests that the church parcel be rezoned from an RM-4 District to a B-2 District, which would allow the mix of multiple-family residential and commercial uses proposed for that parcel. The Vaucresson parcel is to remain zoned C-1 General Commercial District.

Additionally, the applicant proposes that the entire development site, including both parcels, be overlaid with an MUPC Mixed-Use Planned Community District, which is a planned development district that is intended to encourage mixed-use development and the adaptive reuse of historic structures in older areas of the city, as noted in **Article 10, Section 10.9A.1** of the Comprehensive Zoning Ordinance.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

The speakers at the public hearing are listed on the attached public hearing speaker sheet.

The Principal City Planner summarized the request, stating the staff's recommendation of approval subject to three (3) waivers and thirteen (13) provisos.

Commissioner Duplessis made a motion for approval of the request as recommended by staff but with modifications to the text of waiver #1 and proviso #10 as recommended by staff at the meeting. Commissioner Steeg seconded the motion, which was adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 017/15 IS HEREBY RECOMMENDED FOR APPROVAL, SUBJECT TO THREE (3) WAIVERS AND THIRTEEN (13) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Waivers

1. The applicant shall be granted a waiver of **Article 15, Section 15.2.1** and **Table 15.A** of the Comprehensive Zoning Ordinance, which require one hundred fifty-five (155) off-street parking spaces to be provided, to allow forty (40) off-street parking spaces to be provided.
2. The applicant shall be granted a waiver of **Article 15, Section 15.3.1** and **Table 15.G** of the Comprehensive Zoning Ordinance, which require six (6) off-street loading spaces to be provided, to allow no off-street loading spaces to be provided.
3. The applicant shall be granted a waiver of **Article 10, Section 10.9A.6** of the Comprehensive Zoning Ordinance (by reference to **Article 5, Section 5.6.7** and **Article 4, Section 4.9.7** and **Table 4.I**), which requires 1,000 square foot of net development area per dwelling unit requirement to allow 932.5 square feet of net development area per dwelling unit.

Provisos

1. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans are approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in **Article 16, Section 16.9.11** of the Comprehensive Zoning Ordinance will void the MUPC Mixed-Use Planned Community District overlay approval.
2. The new portion of Building 3 shall have an interior side yard setback of at least three (3) feet and a and a rear yard setback of at least three (3) feet
3. The applicant shall revise the plans to include the following:
 - a) The reduction or elimination of Juliet balconies, particularly along the front façade.
 - b) Revised treatment of the partially-enclosed staircase on the North Roman Street elevation.
4. The applicant shall secure the approval of the Historic District Landmarks Commission for the demolition of existing structures on the site.
5. The applicant shall secure a Certificate of Review from the Historic District Landmarks Commission for all modifications to the site's exterior, including but not limited to the new structures and the modification of the existing structures.
6. The applicants shall submit a detailed landscape plan prepared by a licensed Louisiana landscape architect indicating the following:

- a) The genus, species, size, location, quantity, and irrigation of all proposed plant materials within both the site and the street rights-of-way adjacent to the site, with applicable remarks and details;
 - b) The installation of continuous shrubbery along the edge of the parking lot on Square 765 adjacent to Lapeyrouse and North Roman Streets
 - c) The landscaping of all residual areas on site not used for parking or vehicular access, including the front yards and patio area with a combination of trees, shrubs, and groundcover, all subject to the review and approval of the City Planning Commission staff.
 - d) The presence of street trees through the retention of existing trees and the planting of new trees at a maximum interval of thirty (30) feet within the Saint Bernard Avenue and Lapeyrouse Street rights-of-way adjacent to Square 765 and within the Saint Bernard Avenue and Onzaga Street rights-of-way adjacent to Square 893, Lot 1, subject to the review and approval of the staff of the Department of Parks and Parkways.
7. All dumpster areas shall be screened from view from the public rights-of-way with an opaque fence and/or masonry wall that is no less than six (6) feet tall, subject to the review and approval of the City Planning Commission staff.
8. The applicant shall provide to the City Planning Commission staff a litter abatement program letter, approved by the Department of Sanitation, inclusive of the stated location of trash storage, the type and quantity of trash receptacles, the frequency of trash pickup by a contracted trash removal company, and the clearing of all litter from the sidewalks and the street rights-of-way. The name and phone number of the owner/operator of the development shall be included in this letter to be kept on file in case of any violation.
9. The site plan shall be revised to include the locations, height, and details of all light standards, subject to the approval of the staff of the City Planning Commission. Light standards shall be limited in height to twenty-five (25) feet and shall not be directed toward any residential use.
10. The applicant shall submit to the City Planning Commission staff a recorded management agreement indicating all parts and phases of the overall Mixed-Use Planned Community District will remain in single ownership, or will be controlled by the same management entity, or will be under a joint operating agreement. The duration of this agreement must be stated and recorded. The Recordation Number of the management agreement shall be noted on the final plans.
11. The applicant shall consolidate all lots on Square 765 into a single lot of record. The subdivision application shall be submitted prior to the finalization of the Mixed-Use Planned Community District overlay and shall be completed prior to the issuance of a Certificate of Occupancy for any buildings.

12. All signage on Square 765 shall comply with the requirements of the B-2 Neighborhood Business District in **Article 5, Section 5.6.6 Permitted Signs** of the Comprehensive Zoning Ordinance. All signage on Square 893, Lot 1, shall comply with the requirements of the C-1 General Commercial District in **Article 5, Section 5.7.6** of the Comprehensive Zoning Ordinance.
13. The applicant shall secure the approval of the Department of Public Works for all modifications and repairs to the public rights-of-way adjacent to the site, including but not limited to the modification or installation of curbs, curb cuts, and sidewalks. The applicant shall also secure the review and approval of the Department of Public Works for a drainage plan for the site.

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Marshall, Mora

REASONS FOR RECOMMENDATION

1. The zoning change to a B-2 Neighborhood Business District is appropriate for one of the site's two development parcels, Parcel 1, because it would cause the parcel's zoning to reflect its Neighborhood Commercial future land use designation.
2. The Mixed-Use Planned Community District overlay is intended to allow the mixed-use redevelopment of the site. The proposal calls for a mix of residential and neighborhood commercial uses in existing and new structures on Parcel 1 and neighborhood commercial uses in an existing structure and a new structure on Parcel 2. The proposed development is appropriate in use, size, and design for the site and would enhance this portion of Saint Bernard Avenue.

ZONING DOCKET 18/15 – Request by AJ PONTCHARTRAIN OWNER, LLC for an amendment to a Conditional Use Ordinance No. 25,273 MCS (Zoning Docket 008/13, which amended Ordinance No. 17,456 MCS and Ordinance No. 24,235 MCS to permit a hotel within a C-1A General Commercial District and the Lower Saint Charles Avenue Design Review District) to allow modifications to the hotel including an increase in guest rooms, interior and exterior building modifications, and additional dining and bar areas, on Square 237, Lot P, in the Fourth Municipal District, bounded by Saint Charles Avenue, Josephine, Carondelet and Saint Andrew Streets. The municipal addresses are 2031-2035 SAINT CHARLES AVENUE. (PD 2)

Applicant: AJ PONTCHARTRAIN OWNER, LLC

Request: This is a request for an amendment to a Conditional Use Ordinance No. 25,273 MCS (Zoning Docket 008/13, which amended Ordinance No. 17,456 MCS and Ordinance No. 24,235 MCS to permit a hotel within a C-1A General Commercial

District and the Lower Saint Charles Avenue Design Review District) to allow modifications to the hotel including an increase in guest rooms, interior and exterior building modifications, and additional dining and bar areas.

Location: The petitioned property is located on Square 237, Lot P, in the Fourth Municipal District, bounded by Saint Charles Avenue and Josephine, Carondelet, and Saint Andrew Streets. The municipal addresses are 2031-2035 SAINT CHARLES AVENUE. (PD 2)

Description: The subject site is located at the corner of Saint Charles Avenue and Josephine Street. It is developed with a 12-story hotel that is operating under a conditional use that was approved in 2013. There are previous conditional use requests associated with this property. The previous requests permitted the hotel, the installation of cellular antennas on the roof, the conversion of the hotel into a multi-family residence with a cocktail lounge, and the conversion of the multi-family residence back into a hotel. The applicant is requesting an amendment to the current conditional use in order to increase the number of rooms, make exterior renovations, add a restaurant and coffee shop on the first floor and convert the penthouse into a rooftop bar.

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The Senior City Planner read a summary of the report. There were no proponents or opponents.

Commissioner Hughes made a motion for approval of the request as recommended by staff. The motion was seconded by Commissioner Steeg and adopted.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 018/15 IS HEREBY RECOMMENDED FOR **APPROVAL** SUBJECT TO FOURTEEN (14) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Provisos

1. There shall be a minimum separation distance of fifteen (15) feet between habitable structures and the highest point of an antenna and six (6) feet between habitable structures and any point on the antenna. This distance shall apply to the distance from habitable areas of the hotel complex.
2. All unused facilities shall be removed within 12 months of permanent cessation of operation.

⁵ The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for ZD 018/15.

3. The height of the antennas shall be limited to five (5) feet and three (3) inches.
4. The antennas and any related equipment shall be repainted as frequently as necessary to insure their minimal visibility from the street level.
5. All federal, state and local requirements regulating the proposed use shall be met including, but not exclusive to EPA, FCC, and DEQ requirement.
6. The historic attached sign on the St. Andrew Street side of the property shall be retained and maintained. Any additional signage shall conform to the requirements of Article 5, Section 5.8.6. *Permitted Signs* and Article 10, Section 10.11.6. *Design Review Standards* of the Comprehensive Zoning Ordinance.
7. The Department of Safety and Permits shall issue no building permits or licenses for this project until final development plans area approved by the City Planning Commission and recorded with the Office of Conveyances. Failure to complete the conditional use process by properly recording plans within a one year time period or failure to request an administrative extension as provided for in Article 16, Section 16.9.11 of the Comprehensive Zoning Ordinance will void the conditional use approval.
8. Music of any kind shall not be projected beyond the exterior of the penthouse. Additionally, the applicant shall comply with the provisions of Section 66-202. *Maximum permissible sound levels by receiving land use* of the Code of the City of New Orleans.
9. The applicant shall provide to the City Planning Commission staff a letter outlining a litter abatement program, approved by the Department of Sanitation, inclusive of the location of trash storage out of the public right-of-way, the frequency of trash pickup, the clearing of all litter from the adjacent right-of-way, and the periodic cleaning of the adjacent street right-of-way, as necessary. The name and phone number of the owner/operator of the facility shall be kept on file in case of any violation.
10. The applicant shall secure Certificates of Appropriateness from the Historic District Landmarks Commission for all proposed exterior modifications and repairs.
11. The applicant shall secure approval from the Department of Public Works for all proposed modifications in the public right-of-way.
12. Any proposed signage shall comply with Article 10, Section 10.11.6.2b and Article 5, Section 5.8.6 of the Comprehensive Zoning Ordinance, subject to approval by the Historic District Landmarks Commission. No signage promoting alcoholic beverages shall be permitted on the exterior of the hotel or penthouse.

13. The applicant shall plant trees in the existing planters in the right-of-way on the Josephine Street side of the site subject to further review by the Department of Parks and Parkways.
14. The applicant shall secure the appropriate rights to utilize City property in connection with any and all encroachments in accordance with the requirements of the Department of Property Management, Office of Real Estate and Records.

Yeas: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

Nays: none

Absent: Marshall, Mora

REASONS FOR RECOMMENDATION

1. Potential adverse impacts from the request have been addressed with additional operational standards for the proposed bar.
2. The proposal is consistent with the Mixed-Use Medium Density category in the *Plan for the 21st Century*.

ZONING DOCKET 19/15 - Request by CITY COUNCIL MOTION M-15-5 for a Conditional Use to permit a neighborhood center in a B-1 Neighborhood Business District, on Square 373, Lot S, in the Fourth Municipal District, bounded by Magnolia, Saint Andrew, Felicity and South Robertson Streets. The municipal address is 1801 SOUTH ROBERTSON STREET. (PD 2)

Applicant: City Council Motion M-15-5

Request: This is a request for a conditional use to permit a neighborhood center in a B-1 Neighborhood Business District.

Location: The petitioned site is located on Square 373, Lot S, in the Fourth Municipal District, bounded by S. Robertson, Magnolia, St. Andrew and Felicity Streets. The municipal address is 1801 S. Robertson Street. (PD-2)

Description: The subject site is an irregular, “L” shaped parcel that occupies approximately two thirds of Square 373 and has frontages on all four surrounding streets. The site contains 24,087 square feet and is occupied by the a City of New Orleans’ Keller Community Center. The Center contains a two story, vacant and dilapidated former fire house structure that frames the corner of Magnolia and St. Andrews Streets, a parking lot fronting on S. Roberson, St. Andrew and Felicity Streets, and a basketball court in the middle. The Center has been closed since Hurricane Katrina flooding.

The City is now proposing to demolish the existing structure and replace it with a new, single story multi-purpose community center building serving the adjacent neighborhoods. The new 1,770 square foot structure will contain a multipurpose meeting room, a kitchen, office and utility rooms and a set of restrooms. The new building will be built on the site of the existing one, but somewhat closer to the Magnolia Street property line. Due to the restricted project budget, no improvements to the existing basketball court and parking lot are being proposed at this time.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)⁶

The Planning Administrator read a summary of the report. The representative of the City's Capital Project Administration stated that the project will comply with provisos stated in the staff report.

Commissioner Steeg made a motion for approval of the request. The motion was seconded by Commissioner Bryan and adopted.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT ZONING DOCKET 019/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO ONE (1) WAIVER AND NINE (9) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Waivers

1. The applicant shall be granted a waiver of **Article 11, Section 11.30 (b) *Public and Governmental Buildings*** of the Comprehensive Zoning Ordinance, which requires a setback of no less than twenty-five feet from all lot lines abutting streets, to permit a setback no greater than three (3) feet from the Magnolia Street property line and no greater than eighteen (18) feet from St. Andrew Street property lines.

Provisos

1. The applicant shall remove and restore all un-utilized curb cuts along the perimeter of the site. Additionally, the applicant shall install six (6) inch vertical curbing, planting strips, sidewalks and street trees within the rights-of-way adjacent to the site, subject to the review and approval of the Department Public Works and the Department of Parks and Parkways.
2. The City should make efforts to add landscaping and other on-site improvements, including fencing, resurfacing and lighting, in future capital budget requests.

⁶ The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for ZD 010/15.

3. The applicant shall use the proposed combination of blue-green-brown color palette for the building exterior.
4. The applicant shall submit a signage plan that is compliant with **Article 5, Section 5.4.6 Permitted Signs** of the Comprehensive Zoning Ordinance, subject to the review and approval of the City Planning Commission.
5. The applicant shall submit a lighting plan that indicates the exact location, type, make, and height of all proposed exterior lighting, for the review and approval of the staff of the City Planning Commission. All exterior lighting shall be limited in height to twelve (12) feet and shall not be directed toward any adjacent residential uses.
6. The applicant shall submit revised plans indicating a location for the trash storage area, appropriately screened and set back from the adjacent rights-of-way.
7. The Department of Safety and Permits shall issue no building permits or licenses until final development plans are approved. The applicant shall submit a signage plan that is compliant with **Article 5, Section 5.4.6 Permitted Signs** of the Comprehensive Zoning Ordinance, subject to the review of the City Planning Commission.
8. The applicant shall provide a minimum of four (4) on-site bicycle parking spaces.
9. The applicant shall set the hours of operations of the proposed Community Center and its basketball court in accordance with standards of operations for facilities located in close proximity to residential neighborhoods.

Yeas: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

Nays: None

Absent: Marshall, Mora

REASONS FOR RECOMMENDATION

1. The proposed redevelopment will replace an existing community center that has been sitting vacant and blighted since Hurricane Katrina.
2. The proposed community center will provide needed services for the adjacent residential neighborhood.
3. The proposal is consistent with the future land use objectives of the *Plan for the 21st Century*.

SUBDIVISION DOCKET 172/14 – Request by TURNBULL BAKERIES INC. OF LA. to resubdivide Lots 96, 15 and 16 into Lots 96A and 15A, on Square 46, in the Fourth Municipal District, bounded by Rousseau, First, St. Thomas and Soraparu Streets. The municipal addresses are 519-21 FIRST STREET AND 518-20 SORAPARU STREET. (PD 2)

Proposal: This is a proposal to subdivide Lots 96, 15, and 16 into lots 96A and 15A.

Location: The site is located on Square 46 in the Fourth Municipal District, bounded by Rousseau, First, Thomas, and Soraparu Streets. The municipal addresses are 519-521 First Street and 518-520 Soraparu Street. All lots comprising the site are located within the Irish Channel Local Historic District. (PD 2)

Zoning: The site is located within a LI Light Industrial District.

Current

Land Use: Proposed lot 15A has an existing warehouse structure. Proposed lot 96A is vacant.

Reason for

CPC Action: The Subdivision Regulations require that lots located in commercial or industrial zoning districts to be used for commercial and/or industrial purposes shall provide a minimum width of 50 feet and a minimum depth of 100 feet. Therefore, the subdivision must be considered by the City Planning Commission.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)⁷

The applicant's representative spoke in support of the request.

The Senior City Planner read a summary of the report. Commissioner Steeg made a motion for **tentative approval**, which was seconded by Commissioner Hughes and adopted subject to three (3) provisos.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 172/14 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO THREE (3) PROVISOS.

Provisos

1. The applicant shall comply with all applicable Subdivision Regulations, including the submittal of mortgage and tax certificates for the petitioned site.
2. The applicant shall comply with any requirements of the Department of Safety and

⁷ The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for SD 172/14.

Permits, the Division of Real Estate and Records, the Department of Public Works, Sewerage and Water Board, and Entergy.

3. The applicant shall submit a digital copy of the final subdivision survey plan in .dwg, .dxf, or ESRI compatible file format.

Yeas: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

Nays: None

Absent: Marshall, Mora

SUBDIVISION DOCKET 175/14 – Request by JOSEPH S. MANN, JR. AND DOROTHY SARPY MANN to resubdivide Lots 7-A and C into Lots 7-A-1 and C-1, on Square 247, in the Sixth Municipal District, bounded by Camp, Octavia, Chestnut and Joseph Streets. The municipal addresses are 5509 AND 5513-15 CAMP STREET. (PD 3)

Proposal: Resubdivision of Lots 7-A and C into proposed Lots 7-A-1 and C-1.

Location: Square 247, Rickerville, Sixth Municipal District, bounded by Camp, Joseph, Octavia, and Chestnut Streets. The municipal addresses are 5509 and 5513-15 Camp Street. (PD 3)

Zoning: RD-3 Two-Family Residential District

Current

Land Use: The subdivision involves shifting the common lot line between two adjacent lots so that the existing driveway on one lot becomes part of the other lot. The first lot, Lot 7-A, measures 32 feet in width, 117 feet, 2 inches in depth, and 3,750 square feet in area. It is developed with 5509 Camp Street, a Victorian two-story residence dating from the late 19th or early 20th century. The property lacks off-street parking.

The second lot, Lot C, is 40 feet in width, 117 feet, 2 inches in depth, and 4,688 square feet in area. It is developed with 5513-15 Camp Street, a shotgun two-family residence which features Arts and Crafts stylistic elements and dates from the late 19th or early 20th century. The property features a driveway providing one off-street parking space in the Octavia Street-side yard.

Required: The applicant proposes to re-subdivide the two lots by shifting the common lot line toward Joseph Street by a distance of 9 feet. This would increase the width of Lot 7-A (which would be re-designated as Lot 7-A-1) from 32 feet to 41 feet and cause that lot to include the driveway that is now on Lot C. The lot's depth would remain 117 feet 2 inches, while its area would increase from the current 3,750 square feet to 4,805.61 square feet. The shifting of the common lot line would decrease the width of Lot C (which would be re-designated as Lot C-1) from 40

feet to 31 feet and would eliminate its off-street parking. The lot's depth would remain 117 feet, 2 inches, while its area would decrease from the current 4,688 square feet to 3,633.51 square feet.

The lots are located in an RD-3 Two-Family Residential District, which requires a minimum width of 30 feet, a minimum depth of 90 feet, and a minimum area of 3,600 square feet for lots developed with single- or two--family residences, as noted in **Article 4, Section 4.6.7** and **Table 4.F** of the Comprehensive Zoning Ordinance. Both of the existing lots comply with these minimum lot size requirements and the two proposed lots would also comply with them.

Despite this compliance with the minimum lot size requirements, the subdivision would cause Lot C, which is required to provide the one off-street parking space which is provided on its driveway, to no longer provide an off-street parking space. As a result, the subdivision would bring Lot C out of compliance with its parking requirement. As a result, the subdivision is not eligible for administrative approval and must be considered by the City Planning Commission. It should be noted that although Lot 7-A would gain the off-street parking space lost by Lot C, it is not required to provide an off-street parking space because it historically has not provided one and, as such, its parking requirement is grandfathered.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

The Principal City Planner summarized the information in the foregoing report. Commissioner Steeg made a motion for **tentative approval** with final approval subject to the provisos contained in this report and other standard provisos. The motion was seconded by Commissioner Wedberg and adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 175/14 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO SIX (6) PROVISOS.

Provisos

1. The applicant shall apply for and obtain a variance from the Board of Zoning Adjustments of the one (1) space off-street parking requirement contained in **Article 15, Section 15.2.1** and **Table 15.A** of the Comprehensive Zoning Ordinance for 5513-15 Camp Street.
2. The applicant shall shift the common property line between proposed Lots 7-A-1 and C-1 so that 5513-15 Camp Street has an Octavia Street-side yard that is at least 3 feet and an aggregate side yard that is at least 20% of the width of proposed Lot C-1.
3. The designations of the proposed lots as Lots 7-A-1 and C-1 shall be altered to Lots 7A1 and C1.

4. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, and the Department of Safety and Permits.
5. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the petitioned site.
6. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Marshall, Mora

REASON FOR APPROVAL

1. Since the new lots would be compliant with the RD-3 District's lot size requirements and there would be no net change in the number of off-street parking spaces provided between the two lots, the Commission supported the application on the condition that the applicant secure a variance of the off-street parking requirement from the Board of Zoning Adjustments.

SUBDIVISION DOCKET 178/14 – Request by FULL CIRCLE HOMES, LLC to resubdivide Lot 9-A into Lots 9B and 9C, on Square 86, in the Third Municipal District, bounded by Spain Street, Dreux, Filmore and St. Roch Avenues. The municipal addresses are 2363 DREUX AVENUE AND 5200 ST. ROCH AVENUE. (PD 6)

Proposal: Re-Subdivision of Lot 9-A into Lots 9B and 9C.

Location: Square 86, Third Municipal District, bounded by Dreux Ave., Spain St., Filmore Ave. and St. Roch Ave. The municipal addresses are 2363 Dreux Ave. and 5200 St. Roch Ave. (PD 6)

Zoning: The petitioned site is located in a RS-2 Single-Family Residential District.

Current

Land Use: The petitioned site is a large, undeveloped rectangular corner lot that is located at the intersection of Dreux Ave. and St. Roch Ave. Historic Sanborn maps indicate that the site has a history of commercial use as a residence and a store. Orleans Parish Assessor data indicates that the site has most recently been utilized as a beauty salon.

Required: This is a request to subdivide existing Lot 9-A (see Table 1) into lots 9B and 9C respectively (see Table 2), in order to develop a single-family residence on each lot. In accordance with Article 3 of the New Orleans Subdivision Regulations, all minor and major subdivisions are classified into seven categories. The proposed subdivision is classified as a Policy B subdivision request, which waives the requirement for a public hearing for subdivisions that meet all the requirements of the Subdivision Regulations or meet each of three conditions. All doubtful cases must be referred to the Commission. The proposed subdivision involves the creation of two substandard lots which do not meet the minimum lot width or lot area requirements for single-family residences within this RS-2 Single-Family Residential District (see Table 3). Consistency with the requirements of the Comprehensive Zoning Ordinance is required by the Subdivision Regulations for the administrative approval of all subdivisions. The proposal would meet all of the other area requirements of the Subdivision Regulations and this RS-2 District.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

Staff summarized the request, stating the staff's recommendation of approval. There was one proponent present, who was one of the applicants. The proponent's name is listed on the attached sign-in sheet. Commissioner Duplessis made a motion to approve the request. The motion was seconded by Commissioner Hughes and was adopted.

MOTION:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 178-14 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO THREE (3) PROVISOS:

Provisos

1. The applicant shall comply with any requirements deemed necessary by Entergy, the Sewerage and Water Board, the Departments of Public Works, the Department of Property Management, Division of Real Estate and Records, and the Department of Safety and Permits.
2. The applicant shall comply with all other Subdivision Regulations, which includes the submittal of mortgage certificates, a consent letter from the mortgage company (if applicable) and tax certificates for the petitioned site.
3. The applicant shall submit a reproducible copy and two (2) prints and a digital copy of the final resubdivision survey in dwg., dxf, or ESRI compatible file format.

4. The applicant shall secure variances from the Board of Zoning Adjustments for the establishment of Lots 9B and 9C, which would have insufficient lot width and insufficient lot area.

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Marshall, Mora

SUBDIVISION DOCKET 002/15 – Request by JASON B. JEE to resubdivide Lots Pt. 46, 47, 48 and Pt. 49 into Lots 47A and 48A, on Square 13, in the Seventh Municipal District, bounded by Pontchartrain Boulevard, Fleur de Lis Drive, 20th and 22nd Streets. The municipal addresses are 234 AND 236 22ND STREET. (PD 5)

Proposal: This is a proposal to subdivide Lots Pt. 46, 47, 48, and Pt. 49 into Lots 47A and 48A.

Location: The site is located on Square 13 Metairie Park in the Seventh Municipal District, bounded by Twenty-Second Street, Pontchartrain Boulevard, Twentieth Street, and Fleur De Lis Avenue. The municipal addresses are 234 and 236 Twenty-Second Street. All lots comprising the site are located within the Lakeview Subdivision. (PD 5)

Zoning: The site is located within a LRS-1 Lakeview Single-Family Residential District.

Current

Land Use: Proposed lots 47A and 48A are currently vacant.

Reason for

CPC Action: The Subdivision Regulations do not include policies which permit the proposed subdivision to be approved administratively. Therefore, the subdivision must be considered by the City Planning Commission. The proposed 4,800 square foot lots would be deficient of the LRS-1 District's minimum lot area requirement, which calls for lots used for residential purposes to be at least 5,000 square feet.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)⁸

The Senior City Planner read a summary of the report. Commissioner Steeg made a motion for **tentative approval**, which was seconded by Commissioner Bryan and adopted subject to four (4) provisos.

MOTION:

⁸ The names and contact information for those who spoke during the public hearing are included on the public hearing speaker sign-in sheet for SD 002/15.

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT SUBDIVISION DOCKET 002/15 IS HEREBY GRANTED TENTATIVE APPROVAL, WITH FINAL APPROVAL SUBJECT TO FOUR (4) PROVISOS.

Provisos

1. The applicant shall apply for and secure variances from the Board of Zoning Adjustments for insufficient lot area for proposed lots 47A and 48A.
2. The applicant shall comply with all applicable Subdivision Regulations, including the submittal of mortgage and tax certificates for the petitioned site.
3. The applicant shall comply with any requirements of the Department of Safety and Permits, the Division of Real Estate and Records, the Department of Public Works, Sewerage and Water Board, and Entergy.
4. The applicant shall submit a digital copy of the final subdivision survey plan in .dwg, .dxf, or ESRI compatible file format.

Yeas: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

Nays: None

Absent: Marshall, Mora

DESIGN REVIEW DOCKET 158/14 – Request by EVAN F. TRESTMAN to appeal **Article 9A, Section 9A.13.6.3(b) – Design Review Standards – Signage**, of the Comprehensive Zoning Ordinance, in an LB-1 Lake Area Neighborhood Business District and the Lake Area Design Corridor Overlay District, on Lot B, Square 228, bounded by Harrison Avenue, Milne Boulevard, Bragg and Colbert Streets. The municipal address is 313 HARRISON AVENUE. (PD 5)

Applicant: Evan F. Trestman

Request: This request is an appeal of the Lake Area Design Corridor (LADC) Overlay District regulations, **Article 9A, Section 9A.13.6.3(b) - Design Review Standards - Signage** of the *Comprehensive Zoning Ordinance* to permit a non-conforming detached pole sign with excessive area and insufficient setback from the adjacent public right-of-way.

Zoning: LB-1 Lake Area Neighborhood Business District /LADC Lake Area Design Corridor Overlay District.

Location: The petitioned property is located in the Second Municipal District, on Square 228 on Lot B, bounded by Harrison Avenue, Milne Boulevard, Bragg Street, and Colbert Street. The municipal address is 313 Harrison Avenue. (PD 5)

Proposal: The petitioned site is a rectangular-shaped lot with forty-one feet (41') of frontage on Harrison Avenue, a lot depth of one hundred seven feet (107'), and an area of approximately four thousand three hundred eighty-seven square feet (4,387 sq. ft.). The applicant hired a sign contractor to install a sign for his law office. The contractor proceeded to install the sign without obtaining a permit from the Department of Safety and Permits or obtaining approval from the City Planning Commission. The sign is considered a pole sign, which is not permitted in the Lake Area Design Corridor Overlay District. The sign measures forty-eight feet (48') in area, which is greater than the permitted twenty feet, six inches (20' - 6"). In addition, the sign is required to be set back from the public right-of-way a distance equal to the height of the sign. The sign measures nine feet, seven inches (9' - 7") in height, however it is only setback five feet, eight inches (5' - 8") from the public right-of-way. As such, a waiver of the Lake Area Design Corridor Overlay District regulations is required.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

The speaker at the public hearing is listed on the attached public hearing speaker sheet.

The City Planner summarized the request, stating the staff's recommendation of denial but noting that the staff supported the applicant's request to defer the application because the applicant could not be present.

Commissioner Wedberg made a motion to defer the application to the February 24, 2015 City Planning Commission meeting. Commissioner Steeg seconded the motion, which was adopted.

Motion

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT DESIGN REVIEW DOCKET 158/14 IS HEREBY DEFERRED TO THE FEBRUARY 24, 2015 CITY PLANNING COMMISSION MEETING.

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Marshall, Mora

PROPERTY DISPOSITION 002/15 - Consideration of the sale of Square K, Lot H, Square U, Lot E, Square 2149, Lot G, and portions of the former Fairmont Drive (Lots F and I), portion of Elder Street right-of-way (Lot K), in the Third Municipal District, bounded by Clermont Drive, Fairmont Drive, W. St. Roch Avenue, and Humanity Street. (PD 6)

Consideration: Consideration of the sale of Square K, Lot H, Square U, Lot E, Square 2149, Lot G, and portions of the former Fairmont Drive (Lots F and I), portion of Elder Street right-of-way (Lot K), in the Third Municipal District, bounded by Clermont Drive, Fairmont Drive, W. St. Roch Avenue, and Humanity Street. (PD 6)

Applicant: City of New Orleans

Purpose: In accordance with Section 6-306 Subsection 2 of the City Charter, the City Planning Commission is required to consider the sale or exchange of immovable property no longer needed for public purposes.

**General Property
Description:**

The petitioned site, which is known as Union Square or Park, is owned by the City of New Orleans under the jurisdiction of the New Orleans Recreation Development Commission (NORDC) and maintained by the Department of Parks and Parkways. Union Square or Park has a small playground, a tennis court, and a large grass field. This proposed property disposition is part of a land swap with the Orleans Parish School Board where the City will acquire the Terrell School site to construct a new Second District Police Station and the Gert Town Pool.⁹ The total area of Union Square or Park is approximately 54,400 square feet.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

The City Planner summarized the request, stating the staff's recommendation of approval. There was one speaker present and their names are included on the attached sign-in sheet. Commissioner Wedberg made a motion to accept the staff's recommendation and approve the request. The motion was seconded by Commissioner Steeg and was adopted.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY DISPOSITION 002/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO TWO (2) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Provisos

1. Disposition of this property is subject to a restrictive covenant in the deed that this property shall remain as a park and be available for community use.

⁹ This request, Property Acquisition 01/15, was considered by the City Planning Commission on January 27, 2015 and recommended for approval.

2. The property shall only be disposed of subject to a servitude for access to the existing utilities in the former public rights-of-way to the Sewerage and Water Board and a servitude for access to the existing drainage lines to the Department of Public Works.

YEAS: Brown, Bryan, Duplessis, Hughes, Steeg, Wedberg

NAYS: None

ABSENT: Marshall, Mora

RECUSE: Mitchell

REASONS FOR RECOMMENDATION

1. No agency of the City has indicated a need for any of the properties.
2. With the provisos, the property disposition is consistent with the criteria for approval as provided in the Administrative Rules, Policies, and Procedures of the City Planning Commission.

PROPERTY DISPOSITION 003/15 - Consideration of the sale of a portion of the S. Miro Street public right-of-way adjacent to Lot BG, Square 134, Sixth Municipal District, as shown on a survey by the office of Gandolfo Kuhn, LLC, dated December 18, 2014. (PD 3)

Consideration: Consideration of the sale of a portion of the S. Miro Street public right-of-way adjacent to Lot BG, Square 134, Sixth Municipal District, as shown on a survey by the office of Gandolfo Kuhn, LLC, dated December 18, 2014. (PD 3)

Applicant: City of New Orleans

Purpose: In accordance with Section 6-306 Subsection 2 of the City Charter, the City Planning Commission is required to consider the sale or exchange of immovable property no longer needed for public purposes.

General Property

Description: The petitioned site, proposed Tract A, is an approximately 11 feet wide by 98 feet long portion of the S. Miro Street right-of-way¹⁰ adjacent to Lot BG.¹¹ Proposed Tract A is currently used as dumpster storage for the adjacent University Village shopping center. The owner of this development, Loubar, LLC, proposes to purchase this portion of the S. Miro Street right-of-way for its continued use as dumpster storage and to satisfy provisos for the Conditional Use on this site.¹² If the applicant

¹⁰ The S. Miro Street right-of-way is 50 feet wide.

¹¹ Tract A is the portion of the right-of-way where the sidewalk would normally be located.

¹² Proviso 4 of the Conditional Use (Zoning Docket 039/14, Ordinance No. 30,282 M.C.S.) for 6225 S. Claiborne

cannot purchase this portion of the right-of-way, they will have to provide for dumpster storage on the existing site and restore curbs and sidewalks of S. Miro Street adjacent to the site.¹³ The site is approximately 1,114 square feet.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

The City Planner summarized the request, stating the staff's recommendation of denial. There were two speakers present who spoke in favor of the request and their names are included on the attached sign-in sheet. After some discussion if this Commissioner Steeg made a motion to approve the request. The motion was seconded by Commissioner Wedberg and was adopted.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY DISPOSITION 003/15 IS HEREBY RECOMMENDED FOR **APPROVAL**, SUBJECT TO TWO (2) PROVISOS. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION.

Provisos

1. If purchased by the adjacent property owner, the owner shall screen the dumpster area and comply with Proviso 4 and all other conditions of the Conditional Use Ordinance No. 30,282.
2. The property shall only be disposed of subject to a full-width servitude to the Department of Public Works and to the Sewerage and Water Board.

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg

NAYS: None

ABSENT: Marshall, Mora

REASONS FOR RECOMMENDATION

1. This would result in the sale of right-of-way that is not currently being used for roadway or a sidewalk on a dead-end street.
2. This is the best solution for dumpster storage for the adjacent property, since the dumpsters are currently located at this location.

Avenue allows the applicant to place the dumpsters in this location if this proposed property disposition is approved.
13 Proviso 5 of the Conditional Use (Zoning Docket 039/14, Ordinance No. 30,282 M.C.S.) for 6225 S. Claiborne Avenue.

PROPERTY ACQUISITION 002/15 - Consideration of the acquisition of all Square 73, Square 72, (Lots 15-51) and a portion of Avenue B in the Seventh Municipal District, bounded by 38th Street, 40th Street, Avenue A, and Fleur de Lis Drive. This property would be maintained by the City as Fleur de Lis Park. (PD 5)

Consideration: Consideration of the acquisition of the entirety of Square 73, Square 72 (Lots 15-51) and a portion of Avenue B in the Seventh Municipal District, bounded by 38th Street, 40th Street, Avenue A, and Fleur de Lis Drive. (PD 5) The municipal addresses are 6701-6751 Fleur De Lis Drive and 6744-6748 Avenue A.

Applicant: City of New Orleans

Purpose: In accordance with Section 6-302 subsection 3 of the City Charter, “[n]o immovable property shall be acquired by the City without the approval of the City Planning Commission as to its use[.]” The purpose of the acquisition is to maintain the property as Fleur de Lis Park.

CITY PLANNING COMMISSION MEETING (FEBRUARY 10, 2015)

Staff summarized the request, stating the staff’s recommendation of approval. There were two speakers present. Commissioner Hughes made a motion to approve the request. The motion was seconded by Commissioner Wedberg and was adopted.

Motion:

BE IT MOVED BY THE CITY PLANNING COMMISSION THAT PROPERTY ACQUISITION 002-15 IS HEREBY RECOMMENDED FOR APPROVAL. BE IT FURTHER MOVED THAT THE EXECUTIVE DIRECTOR IS HEREBY AUTHORIZED TO NOTIFY THE CITY COUNCIL OF SAID ACTION

YEAS: Brown, Bryan, Duplessis, Hughes, Mitchell, Steeg, Wedberg,

NAYS: None

ABSENT: Marshall, Mora

REASONS FOR RECOMMENDATION:

1. The proposed use will provide a public facility which provides residents with a valuable public service.
2. The proposed use of the petitioned site is consistent with the City’s Master Plan.

CONSIDERATION - Ratification of Actions Relative to Certified Subdivisions.

There were none.

Adoption of minutes of the January 27, 2015 meeting.

The minutes were accepted as written.

Committee Reports.

There were none.